IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5131 of 2005

Guranna Sanganna Umadi .. Applicant

V/s

The State of Maharashtra ..Respondent

Shri V.V.Purwant for Applicant

Shri A.S.Gadkari for Respondetn

CORAM:A.S.OKA,J.

DATED:19th August 2005

P.C.:-

1. Heard Advocate for the Applicant and learned A.P.P. for State.

2. Shri Purwant, Advocate for the applicant submitted that Section 302 has not been applied. He submitted that even going by the statement of the First informant, the applicant never intended to assault the infant and at the highest it can be said that the applicant intended to assault the mother by a stick. He submitted that injuries sustained by the infant are purely accidental. He submitted that looking to the nature of the case, only

Section 304 is applied and the applicant is entitled to be enlarged on bail.

3. According to the prosecution case as reflected in the statement of the First informant, at the relevant the
infant was in her lap and she was feeding the infant. The assault was made by the applicant by a stick. The injuries on the body of the infant as reflected from post mortem notes are fracture of left parietal and frontal bone. The cause of death is to injury to brain.

4. Considering the nature of the injuries and the
gravity of crime this is not a fit case to enlarge the applicant on bail.

5. Application is accordingly rejected. The trial is expedited. To be treated as High Court expeditious case.

(A.S.OKA, J.)